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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT SEATTLE

12 SIERRA CLUB, *et al.*,)
13 Plaintiffs,) No. C11-1759RSL
14 and) STIPULATION AND [PROPOSED]
15) MODIFIED BRIEFING SCHEDULE
16 THE SPOKANE TRIBE OF INDIANS,)
17 Plaintiff-Intervenor,)
18 v.)
19 DENNIS MCLERRAN, *et al.*,)
20 Defendants,)
21 and)
22 SPOKANE COUNTY; KAISER)
23 ALUMINUM WASHINGTON LLC; and)
24 STATE OF WASHINGTON)
25 DEPARTMENT OF ECOLOGY,)
26 Defendant-Intervenors.)
27
28 STIPULATION AND [PROPOSED] David J. Kaplan.
29 BRIEFING SCHEDULE - 1 United States Department of Justice
Case No. C11-1759RSL Environmental Defense Section
P.O. Box 7611 Washington D.C. 20044

1 All the Parties in this action -- Plaintiffs Sierra Club and Center for Environmental Law &
2 Policy (“Plaintiffs”), Defendants United States Environmental Protection Agency (“EPA”)
3 Dennis McLerran, EPA Administrator Regina McCarthy and the United States Environmental
4 Protection Agency (collectively “EPA”), Intervenor-Plaintiff Spokane Tribe of Indians, and
5 Intervenor-Defendants Spokane County, Kaiser Aluminum Washington LLC, and State of
6 Washington, Department of Ecology -- jointly stipulate to the following modified briefing
7 schedule. Pursuant to the Court’s Scheduling Order in this case (Dkt. 58), the Parties proposed a
8 briefing schedule for summary judgment briefing that would resolve this case (Dkt. 73), which
9 the Court adopted on September 12, 2013 (Dkt. 74). In accordance with that schedule, Plaintiffs
10 and Intervenor-Plaintiff Spokane Tribe of Indians filed their respective motions for summary
11 judgment on September 19 and 20, 2013. However, due to the lapse in federal appropriations
12 and federal government shutdown, briefing in this matter was suspended, at the request of
13 Federal Defendant EPA and with the agreement of the other Parties, per the Court’s order dated
14 October 9, 2013. (Dkt.86). Since the resumption of federal appropriations, all counsel have
15 conferred and agreed to the following modification to the briefing schedule. The format for
16 briefs and page lengths set out below is the same as previously approved by the Court; only the
17 dates for filing of the briefs have been modified. These changes in the filing dates are necessary
18 due to the prior lapse in federal appropriations, the press of work in other federal court litigation
19 to which the undersigned counsel for EPA is assigned, and to accommodate intervening holiday
20 schedules and work commitments of other counsel in this case. A further description of the
21 nature of this case and the basis for the briefing format is set forth in the Parties’ prior proposal
22 and stipulation that was approved by the Court. (Dkt. 74).

28 STIPULATION AND [PROPOSED]
29 BRIEFING SCHEDULE - 2

Case No. C11-1759RSL

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1 Accordingly, the Parties' proposed modified summary judgment briefing schedule for the
 2 outstanding briefs is as follows:

Brief	Filing Date	Page Limit
B. Defendant EPA's Consolidated Brief (a) in Support of its Cross-Motion for Summary Judgment and (b) in Opposition to Plaintiffs' and Intervenor-Plaintiff Tribe of Spokane Indians' Respective Motions for Summary Judgment	January 15, 2014	46
Intervenor-Defendant Kaiser Aluminum's Brief in support of its Motion for Summary Judgment	January 31, 2014	12
Intervenor-Defendant Spokane County's Brief in Support of its Motion for Summary Judgment	January 31, 2014	12
Intervenor-Defendant Washington Department of Ecology's Brief in support of its Motion for Summary Judgment	January 31, 2014	12
C. Plaintiffs' Consolidated Brief (a) in Response to Defendants' and Intervenor-Defendants' Cross-Motions for Summary Judgment and (b) in Reply in Support of Motion for Summary	February 26, 2014	28
Intervenor-Plaintiff Tribe of Spokane Indians' Consolidated Brief (a) in Response to Defendants' and Intervenor-Defendants' Cross-Motions for Summary Judgment and (b) in Reply in Support of Motion for Summary	February 26, 2014	10
D. Defendant EPA's Reply in Support of its Cross-Motion for Summary Judgment	April 9, 2014	28
Intervenor-Defendant Kaiser Aluminum's Reply in support of its Motion for Summary Judgment	April 9, 2014	10
Intervenor-Defendant Spokane County's Reply in Support of its Motion for Summary Judgment	April 9, 2014	10

28 STIPULATION AND [PROPOSED]
 29 BRIEFING SCHEDULE - 3

Case No. C11-1759RSL

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1 Intervenor-Defendant Washington Department
2 Of Ecology's Reply in Support of its Motion for
3 Summary Judgment

April 9, 2014

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6 ORDER

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8 IT IS SO ORDERED, on this _____ day of _____, 2013.
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13 United States District Court Judge
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STIPULATION AND [PROPOSED]
BRIEFING SCHEDULE - 4

Case No. C11-1759RSL

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28 STIPULATION AND [PROPOSED]
29 BRIEFING SCHEDULE - 5

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28 STIPULATION AND [PROPOSED]
29 BRIEFING SCHEDULE - 6

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